

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GAETANO DEVELOPMENT CORP, GATEWAY IV,
LLC and HARTFORD FIRE INSURANCE
COMPANY a/s/o GATEWAY IV, LLC

Plaintiffs,

Judge Rakoff

-against-

GOODMAN MANUFACTURING COMPANY, LP,
GOODMAN COMPANY, LP and GOODMAN
GLOBAL, INC

Case No.: 09-CV-10090

Defendants.

GOODMAN COMPANY, LP

Third-Party Plaintiff,

-against-

TOWER MANUFACTURING CORPORATION

Third-Party Defendant.

TOWER MANUFACTURING CORPORATION

Second Third-Party Plaintiff,

EVEREX COMMUNICATIONS, INC, PRIME
TECHNOLOGY (GUANGZHOU), INC,
CONNECTICUT PTAC SERVICES, LLC, and COOL
TECH HVAC SERVICE, LLC

Second Third Party Defendants.

PRIME TECHNOLOGY (GUANGZHOU) INC.'S ANSWER TO
TOWER MANUFACTURING CORPORATION'S COUNTER
STATEMENT OF FACTS

1. Denied. It was agreed by the parties that Tower would not utilize the expert report of Andrew Neuhalfen, Ph.D. in reference to these summary judgment filings. As way of further response, the reports of James Pryor, Duncan Glover, Eric Heiberg, Peter Coste, Brian Gsell and James Bernitt dispute the adequacy of Tower's crimp connections. See declaration of Michael J. Dougherty attached as part of Prime's reply to Tower's answer to Prime's motion for summary judgment. See also declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶16.
2. Denied. It was agreed by the parties that Tower would not utilize the expert report of Andrew Neuhalfen, Ph.D. in reference to these summary judgment filings. As way of further response, the reports of James Pryor, Duncan Glover, Eric Heiberg, Peter Coste, Brian Gsell and James Bernitt dispute the adequacy of Tower's crimp connections. See declaration of Michael J. Dougherty attached as part of Prime's reply to Tower's answer to Prime's motion for summary judgment. See also declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶16.
3. Denied. Prime was not responsible for designing the spacing requirements for the M61 circuit board. See declaration of Steve Horvath attached to Prime's motion for summary judgment at page 2, ¶9.
4. Denied. It was agreed by the parties that Tower would not utilize the expert report of Andrew Neuhalfen, Ph.D. in reference to these summary judgment filings. As way of further response, the reports of James Pryor, Duncan Glover, Brian Gsell, Eric Heiberg, Peter Coste and James Bernitt support the adequacy of the spacing on the M61 board. See declaration of Michael J. Dougherty attached as part of Prime's reply to Tower's answer to Prime's motion for summary judgment. See also declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶16.

5. Denied. It was agreed by the parties that Tower would not utilize the expert report of Andrew Neuhaufen, Ph.D. in reference to these summary judgment filings. As way of further response, the reports of James Pryor, Duncan Glover, Eric Heiberg, Peter Coste, Brian Gsell and James Bernitt support the adequacy of the spacing on the M61 board. See declaration of Michael J. Dougherty attached as part of Prime's reply to Tower's answer to Prime's motion for summary judgment. See also declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶16.
6. Denied. The expert reports of James Pryor, Duncan Glover, Peter Coste, Eric Heiberg, Brian Gsell and James Bernitt support the fact that the spacing on the M61 circuit board was proper. In addition, Prime was not responsible for designing the spacing requirements for the M61 circuit board. See declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶¶9 and 16.
7. Denied. Prime was not responsible for designing the spacing requirements for the M61 circuit board. See declaration of Steve Horvath attached to Prime's motion for summary judgment at page 2, ¶9.
8. Denied. It was agreed by the parties that Tower would not utilize the expert report of Andrew Neuhaufen, Ph.D. in reference to these summary judgment filings. As way of further response, the reports of James Pryor, Duncan Glover, Brian Gsell, Peter Coste, Eric Heiberg and James Bernitt support the adequacy of the spacing on the M61 board. See declaration of Michael J. Dougherty attached as part of Prime's reply to Tower's answer to Prime's motion for summary judgment. See also declaration of Steven Horvath attached to Prime's motion for summary judgment at p. 3, ¶16.

A handwritten signature in dark ink, appearing to read 'Michael J. Dougherty', is positioned above a horizontal line.

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